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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Takashi SAIKI et al.**

Group Art Unit: **2818**

Serial Number: **10/800,749**

Examiner: **Quoc Dinh Hoang**

Filed: **March 16, 2004**

Confirmation Number: **1173**

For: **SEMICONDUCTOR DEVICE AND METHOD OF FABRICATING THE
SAME**

Attorney Docket Number: **042193**

Customer Number: **38834**

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Date: July 26, 2005

Sir:

This paper is submitted in response to the Official Action dated June 28, 2005.

In the Action, restriction is required between Group I, Claims 1-5 and Group II, Claims 6-13.

Applicants hereby elect the subject matter of Group I, Claims 1-5 for prosecution in this application. This election is made without traverse, and it is understood that Applicants' rights to the filing of a divisional application directed to the non-elected subject matter under 35 U.S.C. §120 and 35 U.S.C. §121 are retained.

Response to Restriction Requirement

Serial No. 10/800,749

Attorney Docket No. 042193

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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